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21 IN THE UNITED STATES DISTRICT COURT
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23 FOR THE NORTHERN DISTRICT OF CALIFORNIA
24
25 SAN FRANCISCO DIVISION

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RONALD BRATTON,

Plaintiff,

28

v.

29

BEN CURRY,

Defendants.

Case No. C 07-2928 JSW

**DECLARATION OF S.
SUMMERSETT IN SUPPORT
OF DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT**

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31 I, S. SUMMERSETT, declare as follows:

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33 1. I am currently employed by the California Department of Corrections and
34 Rehabilitation (CDCR) as the Departmental Food Administrator. I have been employed in this
35 position since 2001. As the Departmental Food Administrator, I am responsible for preparing the
36 menus for meals served at CDCR. I have been registered by the Commission on Dietetic
37 Registration, the credentialing agency for the American Dietetic Association, as a Registered
38 Dietitian since 1972. I hold a Bachelor of Science degree from California Polytechnic State
39 University, and a Masters of Public Health in nutrition from the University of California at Los

1 Angeles. I am competent to testify to the matters set forth in this declaration, and if called upon
2 to do so, I would and could so testify. I submit this declaration in support of Defendants' Motion
3 for Summary Judgment.

4 2. In my capacity as Departmental Food Administrator, I regularly analyze the nutritional
5 value of CDCR's menus.

6 a. A daily average of menus served over seven weeks shows that CDCR's religious
7 vegetarian diet exceeds the nutritional standards for men, as set by the Food and Nutrition Board
8 of the Institute of Medicine, National Academy of Sciences. For men ages fifty-one to seventy,
9 the religious vegetarian diet provides 176 percent of the recommended daily protein and 280
10 percent of the recommended daily iron.

11 b. Attached as Exhibit A are true and correct copies of my nutritional analyses of
12 CDCR's religious vegetarian diet, regular diet, and Jewish kosher diet for men ages thirty-one to
13 fifty, and for men ages fifty-one to seventy. These analyses show the daily averages over a
14 seven-week period.

15 3. I am personally familiar with the costs of each diet program that CDCR serves. As
16 Exhibit A shows, the costs per day per inmate are as follows: (1) the religious vegetarian diet
17 costs \$2.6268; (2) the regular diet costs \$2.8066; and (3) the Jewish kosher diet costs \$7.1840.

18 a. There are approximately 10,000 Muslim inmates in the CDCR system. If all
19 10,000 Muslim inmates chose the religious vegetarian diet option, then this would cost
20 \$9,587,820 per year. If only 5,000 Muslim inmates chose the religious vegetarian diet option,
21 then this would cost \$4,793,910.

22 b. If all 10,000 Muslim inmates chose the Jewish kosher diet, then this would cost
23 \$26,221,600 per year. If only 5,000 Muslim inmates chose the Jewish kosher diet, then this
24 would cost \$13,110,800 per year.

25 c. Thus the Jewish kosher diet would cost CDCR \$16,633,780 more per year than
26 the religious vegetarian diet for 10,000 Muslim inmates. For only 5,000 Muslim inmates, the
27 Jewish kosher diet would cost CDCR \$8,316,890 more per year than the religious vegetarian
28 diet.

1 4. I am personally familiar with the food content of CDCR's meal plans. None of the
2 food CDCR serves has contained any pork products or pork derivatives for the last seven years.
3 Additionally, CDCR's religious vegetarian diet serves fish at least once a week in a dinner meal,
4 and sometimes also serves tuna fish in lunch meals.

5 I declare under penalty of perjury that the foregoing is true and correct. Executed at
6 Sacramento, California, on June 19, 2008.

S. Summersett
S. Summersett
Departmental Food Manager

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